

SENATE BILL NO. 277

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO STATES' RIGHTS;
REQUIRING A REVIEW OF PRESIDENTIAL EXECUTIVE ORDERS BY THE ATTORNEY GENERAL UNDER
CERTAIN CIRCUMSTANCES; AND PROVIDING THAT THE STATE, A POLITICAL SUBDIVISION, OR AN
ORGANIZATION RECEIVING PUBLIC FUNDS FROM THE STATE MAY NOT IMPLEMENT AN EXECUTIVE
ORDER RELATING TO CERTAIN SUBJECTS THAT THE ATTORNEY GENERAL DETERMINES TO BE
UNCONSTITUTIONAL."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Review of presidential executive orders -- restriction. (1) The
legislative council may review an executive order issued by the president of the United States that has not been
affirmed by a vote of congress and signed into law as prescribed by the constitution of the United States and
recommend to the attorney general and the governor that the executive order be further reviewed. After
receiving a recommendation from the legislative council, or on the attorney general's own initiative, the attorney
general shall review the executive order to determine the constitutionality of the order and whether to
recommend that the state seek an exemption from the application of the order or seek to have the order
declared to be an unconstitutional exercise of authority by the president.

(2) The state, a political subdivision, or an organization receiving public funds from the state may not
implement an executive order that the attorney general determines to be unconstitutional under subsection (1)
and that relates to:

- 1 (a) pandemics or other public health emergencies;
- 2 (b) the regulation of natural resources or their exploration or development, including but not limited to
- 3 coal and oil;
- 4 (c) the regulation of the agriculture industry;
- 5 (d) the use of land;
- 6 (e) the regulation of the financial sector as it relates to environmental, social, or governance
- 7 standards; or
- 8 (f) any regulation affecting the constitutional rights of state residents, including but not limited to the
- 9 right to keep and bear arms.

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11 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an

12 integral part of Title 2, chapter 1, part 4, and the provisions of Title 2, chapter 1, part 4, apply to [section 1].

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